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IN THE MATTER OF THE DELAWARE PUBLIC)
SERVICE COMMISSION'S JURISDICTION OVER)
ELECTRIC VEHICLE CHARGING STATIONS AND) PSC DOCKET NO. 19-0377
SERVICE PROVIDERS)
)

The Delaware Public Service Commission Staff ("Staff") hereby petitions the Delaware Public Service Commission ("Commission") for relief regarding the regulation of electric vehicle charging stations.

BACKGROUND

1. Title 26 of the Delaware Code currently defines owners and operators of electric vehicle (EV) charging stations as public utilities. As such, these utilities fall under the jurisdiction of the Commission.
2. In addition to the Division of Natural Resources and Environmental Control (DNREC) and the University of Delaware, many companies have deployed EV charging stations in Delaware. Such deployments are technically illegal since to date a Certificate of Public Convenience and Necessity (CPCN) has not been issued to any EV charging station owner or operator in Delaware.
3. Many states have recognized that the EV charging station market is competitive and thus exempted owners and operators of EV charging stations from state utility regulation.¹

1. See June 11, 2019, Staff Memorandum to the Commission summarizing state regulatory action regarding owners and operators of EV charging stations.

4. For the last two legislative sessions, the Commission has directed Staff to propose legislation that would exempt EV charging station owners and operators from Commission regulation, and to date for a variety of reasons no legislation to deregulate electric charging stations has been passed.
5. In the absence of any legislation deregulating EV charging stations, Staff believes that the Commission, on its own, can take action effectively achieving the Commission's goal of deregulating EV charging station owners and operators.

REQUESTED RELIEF

6. Pursuant to 26 Del.C. §201(d)(1), Staff respectfully requests the Commission to open a docket to investigate the appropriateness of forbearing from the supervision and regulation of EV charging station owners and operators.

Rajnish Barua

Rajnish Barua, PhD
PSC Executive Director